

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket № 16055US01)

In the Application of:

Ling Su, et al.)	Electronically Filed on 18-MAY-2009
)	
Serial No. 10/810,998)	
)	
Filed: March 26, 2004)	
)	
For: COLLABORATIVE COEXISTENCE)	
WITH DYNAMIC PRIORITIZATION OF)	
WIRELESS DEVICES)	
)	
Examiner: Matthew C. Sams)	
)	
Group Art Unit: 2617)	
)	
Confirmation No. 8997		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on 02/24/2009 ("Final Office Action") with a period of reply through 05/24/2009. The Applicant also requests review of the arguments stated on pages 2-3 of the Advisory Office Action mailed on 04/24/2009 ("Advisory Office Action"). No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS

The present application includes pending claims 42-71, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 42-43, 45, 47-53, 55-58, 60, 62-68, and 70-71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,978,121 ("Lane") in view of U.S. Patent Publication No. 2004/0029619 ("Liang"). Claims 44 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lane in view of Liang, and further in view of U.S. Patent No. 6,799,054 ("Shpak"). Claims 46 and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lane in view of Liang, and further in view of U.S. Patent Publication No. 2003/0161288 ("Unruh"). Claims 54 and 69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lane in view of Liang, and further in view of U.S. Patent Publication No. 2004/0009751 ("Michaelis"). The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Examiner's Response to Arguments in the Advisory Office Action and in the Final Office Action

The Examiner states the following in page 2 of the Advisory Office Action:

The Applicant has admitted that Lane's teaches a first priority signal that "the BT MAC 130 transmits a transmit disable command to the 802.11 radio 160 whenever the BT MAC 130 needs to process a high-priority BT receive or transmit event". (Lane Col. 5 lines 16-23 and Applicant's Arguments Pages 9-10) However, prior to disable command, Lane

teaches the "BT MAC 130 receives information from the 802.11 MAC 170 regarding the priority of the 802.11 events". (Col. 4 lines 64-66) These are two separate priority signals between the MAC interfaces in order to resolve collisions, to prevent saturation of the Bluetooth devices (Col. 3 lines 6-8) and to ensure no physical damage occurs to the Bluetooth device. (Col. 2 lines 59-61).

The Examiner is now equating Lane's information regarding the priority of the 802.11 events, which is received by the BT MAC 130, to a second "priority control signal." The Applicant respectfully disagrees. The relevant claim limitation is "**configuring one or more of said corresponding MAC interface devices via said generated two or more priority control signals.**" Firstly, the 802.11 MAC 170 only transmits information to the BT MAC 130, and the information is, obviously, not a control signal (i.e., the information by itself does not control anything). Secondly, even if the 802.11 MAC 170 transmits information regarding the priority of the 802.11 events to the BT MAC 130, such information is not directly causing the configuring of the MAC interface per se (only the transmit disable command, i.e., a single command, is causing the MAC interface configuration, such as disabling of transmission). The Applicant maintains that Lane does not use two or more priority signals to control prioritization.

The Examiner states the following in the Final Office Action:

Lane teaches "The MACs ensure that the physical medium (e.g., the 2.4 Ghz frequency band) is shared in a fair, consistent and efficient manner" (Col. 4 lines 42-44), "the MAC controls the contention process and resolves any collisions that may occur" (Col. 4 lines 46-47), "The 802.11 MAC 170 transmits information to the BT MAC 130 regarding the priority of 802.11 events" and " the BT MAC 130 transmits a transmit disable command to the 802.11 radio 160 whenever the BT MAC 130 needs to process a high-priority BT receive or transmit event". (Col. 5 lines 16-23) Therefore, since Lane teaches the MACs ensure that the 2.4 GHz frequency is shared and that any collisions that occur are resolved, it is obvious to one of ordinary skill in the art to recognize that the transmission of the priority of 802.11 events from an 802.11 MAC to a BT MAC and the

transmission of a high-priority BT receive or transmit event from a BT MAC to an 802.11 MAC constitute the "generating of two or more priority signals to control prioritization of information between corresponding MAC interfaces".

See the Final Office Action at pages 2-3. Initially, the Applicant points out that the Examiner has not addressed the specific arguments stated in pages 11-12 of the 01/12/2009 response. In the above "Response to Arguments" section, the Examiner is merely re-stating the Lane citations (col. 4 and 5) used in the 09/11/2008 Non-Final Office Action. The Examiner then concludes, without any support whatsoever, that "generating of two or more priority signals to control prioritization of information between corresponding MAC interfaces" is obvious. Even if Lane teaches collision resolution, the important issue is how such collision resolution is achieved. As explained in the 01/12/2009 response, Lane discloses that **prioritization is achieved only via a single command**. More specifically, the BT MAC 130 (FIG. 1 of Lane) transmits a single transmit disable command to the 802.11 radio 160, whenever a high-priority receive or transmit event has to be processed. Lane does not use two or more priority signals to control prioritization.

The Applicant maintains all arguments stated in pages 8-14 of the 04/16/2009 response.

In general, the Final Office Action makes various statements regarding claims 42-71 and the cited reference that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need

arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

II. Conclusion

The Applicant respectfully submits that claims 42-71 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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